

2<sup>nd</sup> AMENDEDAPPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 13 2003

Returned to applicant for correction SEP 05 2003

Corrected application filed NOV 03 2003

Map filed NOV 03 2003

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The applicant **Damonte Ranch Family Limited Partnership**, a Nevada Limited Partnership, hereby makes application for permission to change the **Manner and Place of Use of a portion** of water heretofore appropriated under **Claims 702, 703, 704, and 705 of the Truckee River Decree entered by the District Court for Nevada in that certain action entitled, "The United States of America, Plaintiff, vs Orr Water Ditch Company, et al, Defendants"** in equity docket A-3.

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1. The source of water is **Steamboat Creek**
2. The amount of water to be changed **3057.76 acre-feet along with a pro-rata portion of the diversion rate.**
3. The water to be used for **In-stream flow**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **As decreed-Chandler Ditch, NW¼ SE¼, Section 33, T.18N., R.20E., MDB&M; Crane & Clow Ditch, NW¼ NE¼, Section 33, T.18N., R.20E., MDB&M; Clow Ditch, SW¼ SE¼, Section 16, T.18N., R.20E., MDB&M.**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **Refer to Exhibit "A"**
8. Existing place of use **Refer to Exhibit "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As Decreed**
11. Description of proposed works **Water will be diverted through existing stream channel and Truckee River.**
12. Estimated cost of works **Dependent upon Permit Terms**
13. Estimated time required to construct works **Dependent upon Permit Terms**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**
15. Remarks: **This water will be diverted within the existing Steamboat Creek channel to provide instream flows between the Point of Diversion and the Vista Gauge on the Truckee**

River. Upon passing the Vista Gauge, the water will be considered return flow and available to downstream users.

By Gregory M. Bilyeu  
s/ Gregory M. Bilyeu  
500 Damonte Ranch Pkwy., #1056  
Reno, Nevada 89521

Compared sg/cmf ad/sam

Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of the waters of the Steamboat Creek as heretofore granted under Claim Nos. 702, 703, 704, 705 and 706 of the Truckee River Decree is subject to the terms and conditions imposed in said decree with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Measuring devices shall be designed and a monitoring plan shall be submitted to and approved by the State Engineer prior to filing the Proof of Completion of Work. Furthermore, no return flow credit water for subdivisions will be approved from this permit until data supporting the use has been approved by this office.

This permit is issued subject to the continuing jurisdiction and regulation by the Federal Water Master and the State Engineer.

By the issuance of this permit, supplemental storage rights described under Truckee River Decree Claims 660 and 669, can no longer be used at the existing place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 18.14 cubic feet per second, but not to exceed 2902.72 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

December 23, 2006

Proof of completion of work shall be filed on or before:

January 23, 2007

Water must be placed to beneficial use on or before:

December 23, 2009

Proof of the application of water to beneficial use shall be filed on or before:

January 23, 2010

Map in support of proof of beneficial use shall be filed on or before:

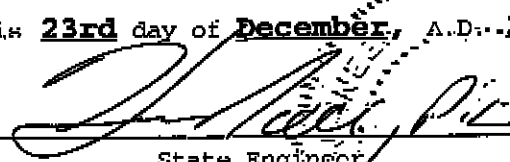
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 23rd day of December, A.D. 2004

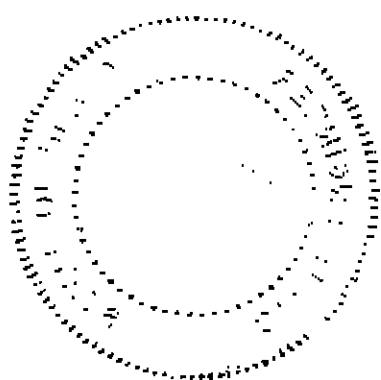
  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_



## EXHIBIT "A"

## 7. Proposed Place of Use--Steamboat Creek

Within: T. 19 N., R. 20 E., M.D.B.&amp;M.

SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11  
SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 11SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 12  
SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 12NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13  
NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 13  
NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 13SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 14  
NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 14  
SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14  
SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14  
NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 14  
NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14  
NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 14SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 15SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22  
SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22  
NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 22  
NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22  
SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22  
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22  
NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22  
NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 22NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 23NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 27SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28  
NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28  
SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28  
NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34  
SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34  
NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 34  
SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34  
NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 34

Within: T. 18 N., R. 20 E., M.D.B.&amp;M.

NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3  
NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3  
SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 3  
NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3  
SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 3NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10  
SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 10  
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SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 10NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 15  
SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 15  
NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 15NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16  
SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16  
SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 16NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21  
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 21  
NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21  
SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 21  
~~SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 21~~ *all*NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 28  
NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28  
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 28  
NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28  
SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 28 *all*NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33  
SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 33  
NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 33Refer to maps on file under Permit 64286 and also to map filed under Application 66526  
(Sheet 4 of 4) for Proposed Place of Use.

## 8. Existing Place of use for Claims 702, 703, 704 &amp; 705 being removed from Irrigation

APN 18-350-39				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
NW¼ SE¼	10	18N	20E	41.20

APN 18-350-45				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
NE¼ SE¼	10	18N	20E	26.98
SE¼ SE¼	10	18N	20E	16.67
			TOTAL =	43.65

APN 18-350-48				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
SW¼ SE¼	10	18N	20E	40.38

APN 18-350-49				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
NE¼ SW¼	10	18N	20E	40.59
SE¼ SW¼	10	18N	20E	40.93
			TOTAL =	81.52

APN 18-350-55				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
NW¼ SW¼	10	18N	20E	7.74
SW¼ SW¼	10	18N	20E	1.76
			TOTAL =	9.50

APN 18-360-37				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
NE¼ SE¼	15	18N	20E	7.38
NW¼ SE¼	15	18N	20E	0.49
SW¼ SE¼	15	18N	20E	0.50
SE¼ SE¼	15	18N	20E	6.78
			TOTAL =	15.15

APN 18-360-77				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
NE¼ NE¼	15	18N	20E	14.20
NW¼ NE¼	15	18N	20E	40.00
SW¼ NE¼	15	18N	20E	32.71
SE¼ NE¼	15	18N	20E	8.50
NE¼ NW¼	15	18N	20E	40.00
NW¼ NW¼	15	18N	20E	5.00
SW¼ NW¼	15	18N	20E	17.50
SE¼ NW¼	15	18N	20E	40.00
NE¼ SW¼	15	18N	20E	22.45
NW¼ SW¼	15	18N	20E	34.15
SW¼ SW¼	15	18N	20E	10.33
SE¼ SW¼	15	18N	20E	11.46
NE¼ SE¼	15	18N	20E	22.84
NW¼ SE¼	15	18N	20E	8.05
SW¼ SE¼	15	18N	20E	9.27
SE¼ SE¼	15	18N	20E	14.00
NE¼ NE¼	21	18N	20E	7.28
NW¼ NE¼	21	18N	20E	13.58
NW¼ NE¼	22	18N	20E	39.94
NE¼ NW¼	22	18N	20E	31.15
NW¼ NW¼	22	18N	20E	37.52
SW¼ NW¼	22	18N	20E	35.62
SE¼ NW¼	22	18N	20E	35.62
			TOTAL =	531.15

APN 18-380-01				
SUBDIVISION	SECTION	TOWNSHIP	RANGE	AREA (ACRES)
SW¼ NW¼	14	18N	20E	1.89

Total area being removed from irrigation: 784.44

Note: APN Acreage and locations for the existing place of use are from Map TR-012 for Claims 660, 669, 700 through 706 approved 9/31/97 and on file at the Nevada Division of Water Resources